IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23513 of 2005

Between:

Dasari Satya Sudharani

..... PETITIONER

AND

The Commissioner, Endowments Department,

Government of Andhra Pradesh, Hyderabad

and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in calling for 'Tender cum Public Auction' for installation of automatic coffee and tea stall at Chandramouli cottage and East Rajagopuram at Sri Sri Sri Veera Venkata Satyanarayana Swamyvari Devasthanam at Annavaram, East Godavari District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

It is the case of the petitioner is that pursuant to his application 1st respondent, vide proceedings D.Dis.No.A2/43332/98, dated 04.11.1998, permitted him to install and run automatic Coffee, Tea and Milk system at 30 VIP cottage, Booking Counter and also at Down Hill near Tollgate for 24 hours through M/s.Harini Enterprises, Kakinada on payment of 10% commission to the Devasthanam. It is stated that the said proceedings of the 1st respondent are still subsisting and it is on permanent basis. Subsequently the three places Tollgate at down Hills were shifted to East Rajagopuram.

The learned counsel for the petitioner contended that while the proceedings of the 1st respondent dated 04.11.1998 are subsisting, calling for tenders for the same business at Chandramouli cottage and East Rajagopuram, which is very near to the places granted to the petitioner for doing the same business, is illegal and arbitrary.

I am unable to accept the contention of the learned counsel for the petitioner on the ground that the petitioner was permitted to install and run automatic Coffee, Tea and Milk system at 30 VIP cottage, Booking counter and also at Down Hill bear Tollgate. There is no any agreement in between the petitioner and the respondents that the respondent Devasthanam is not entitled to call for tenders for establishment of automatic Coffee and Tea stall at Chandramouli cottage or at any other place earmarked by the Devasthanam at East Rajagopuram. The Tender Notification

dated 05.10.2005 goes to show that no tenders have been called for to establish automatic Coffee, Tea stall either at 30 VIP cottage or at Down Hills near Tollgate, and therefore, I do not see any accrued right that has been vested in favour of the petitioner to question the said notification, and hence the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. It is needless to mention that the petitioner is entitled to participate in the Tender cum Public Auction, dated 05.10.2005. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 02.11.2005

Dsr